

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56815 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -HASPURA District- AURANGABAD

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1. Sanjay Kumar son of Jangi Singh Yadav resident of village - Imamganj,
P.S. - Mehandiya, District - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the State : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Haspura P.S. Case No.
90 of 2017 instituted for the offence under Section-30(a) & 38 of Bihar
Prohibition and Excise Act, 2016.

It is alleged that three bottles of 750 ml. MC Dowell XXX
rum, one bottle whisky of Royal Challenge of 750 ml. and three bottles
of 750 ml. each D.C. double XXX rum were recovered and seized from
a tempo in presence of two witnesses. Two persons sitting on tempo,
were arrested. The petitioner is said to be owner of the aforesaid tempo.
As such, from the written report itself, it appears that there was no
recovery from conscious possession of the petitioner. In paragraph-3 of
the petition, it has been mentioned that the petitioner has no criminal
antecedent.

In such circumstances, prayer for anticipatory bail is



allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Haspura P.S. Case No. 90 of 2017 to the satisfaction of Additional District & Sessions Judge-VII-cum-Special Judge (Excise) Aurangabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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